

## CITY COMMISSION MINUTES

January 20, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, January 20, 2009 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager, Rod Barnes, Assistant City Manager Mike Guinn, City Clerk Tricia Gowen, City Engineer Christina Cook, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Consent Agenda. Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **January 6, 2009**, City Commission meeting minutes.
- b. The consideration of Appropriation Ordinance dated January 3, 2009, through January 15, 2009, in the amount of \$584,829.16.
- c. Monthly Department Reports:
  1. Water
  2. Rolling Meadows Golf Course
  3. Codes
  4. Personnel
  5. Recreation
  6. Police
  7. Fire/EMS
- d. The consideration and approval of **Ordinance S-3044** requesting annexation by consent for property generally known as 2300 Elmdale Avenue (East of Elmdale Road; South of Hwy K-57; Pepsi Addition) (**Final Reading**).
- e. The consideration and approval of **Ordinance S-3038** rezoning property at 2300 Elmdale Avenue (East of Elmdale Road; South of Hwy 57; Pepsi Addition) from County Light Industrial (IL) District to City Heavy Industrial (IH) District (**Final Reading**).
- f. The consideration and approval of **TRF 0067 Loan Payment #1** to KDOT for K-18 and Spring Valley Road Intersection, Spring Valley Road – Old 40 to Strauss Boulevard, KLINK resurfacing, Spring Valley Road – K-18 to Rucker Road and Spring Valley Road – McFarland Road to Spring Valley Drive projects, in the amount of \$51,931.45.
- g. The consideration and approval of **TRF0027 Loan Payment #6** to KDOT for 2005 street maintenance, in the amount of \$45,494.44.
- h. The consideration and approval of **TRF0072 Loan Payment #1** to KDOT for K-18 and Karns, Rucker Road-Faith Tabernacle Church to Olivia Farms, Rucker Road at US-77 Intersection, 6th Street and Jackson, 6th Street and Webster, Chestnut Street from railroad tracks to

East Street, Chestnut Street and East Street, Spring Valley Road – K-18 to Rucker Road and Ash Street and US-77 Intersection projects, in the amount of \$34,801.99.

- i. The consideration and approval of **Pay Request #6** by Konza Construction for construction services through January 12, 2009, for the Rucker Road – Whitney to US-77 project, in the amount of \$37,462.28. (Project is 36.9% complete and will be submitted to TRF0109 for payment.)
- j. The consideration and approval of **Pay Request #17** by BG Consultants for construction management services through December 31, 2008, for the Rucker Road – US-77 to Whitney project, in the amount of \$10,612.93. (Request will be submitted to TRF 0109 for payment.)

## **APPOINTMENTS**

- a. The appointments of the following persons to the Junction City Arts Council Board for three year terms:
  1. Mary Somrak (re-appointment as board member)
  2. Judy Rosa (re-appointment as board member)
  3. John Armstrong (appointment as member)

Commissioner Talley moved, seconded by Commissioner Rhodes to approve the re-appointment of Mary Somrack and Judy Rosa and the appointment of John Armstrong as members of the Junction City Arts Council Board for a term of three years. Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- b. The appointment of Jennifer Lentz to the Golf Advisory Board for a three (3) year term beginning February 1, 2009, and ending February 29, 2012. Commissioner Taylor moved, seconded by Commissioner Talley to approve the appointment of Jennifer Lentz to the Golf Advisory Board for a three (3) year term beginning February 1, 2009 and ending February 29, 2012. Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **SPECIAL PRESENTATIONS**

- a. A special presentation of **Proclamation of Catholic School Week**, January 25 through January 31, 2009. Mayor Wunder presented the Proclamation of Catholic School Week to Yvonne Englehart and Jasmine Reid with St. Xavier School.

## **YOUTH COMMISSION COMMENTS**

Mitchell Brennan informed the Commission that the Youth Commission is working on several projects. They plan to participate in the 8<sup>th</sup> Grade Open House at the Junction City Middle School and also plan to attend events at Fort Riley Middle School to inform the future high school students what the Youth Commission is about. The Youth Commission will open the process for seniors to apply for a scholarship. They plan to participate with the Kid Zone at Sundown Salute in July as well as the National Night Out Against Crime. The Youth Commission is also working with the Clean Air Coalition Committee.

## **UNFINISHED BUSINESS**

- a. The consideration and approval of **Ordinance G-1047** proposing a change in the monthly sanitation rates and fees for dumpsters (**Final Reading**). City Manager, Rod Barnes, informed the Commission that the fee changes will be reflected on the February bill. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance G-1047 proposing a change in the monthly sanitation rates and fees for dumpsters (Final Reading). Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **NEW BUSINESS**

- a. The consideration and approval of **R-2535** authorizing the offering for sale of General Obligation Temporary Notes, Series 2009-A, in the amount not to exceed \$1,200,000.00. (Olivia Farms streets, sidewalks, water, sanitary sewer and storm sewer.) Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2535 authorizing the offer for sale of General Obligation Temporary Notes, Series 2009-A in the amount not to exceed \$1,200,000.00 (Olivia Farms streets, sidewalks, water, sanitary sewer and storm sewer). Ayes: Rhodes, Talley, Wunder. Nays: Taylor. Motion carried three to one. Commissioner Taylor stated that he has been opposed to this project from the beginning and continues to oppose the project.
- b. The consideration and approval of **Amended Sanitary Sewer, Storm Sewer and Water Main Improvements Petition**, by Big D Development for the Sutter Woods Subdivision, in the amount of \$4,234,014.58.
1. The consideration and approval of **R-2536** amending and supplementing R-2395, sanitary sewer, storm sewer and water main improvements/Sutter Woods Subdivision in the amount of \$4,234,014.58. Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2536 amending and supplementing R-2395 sanitary sewer, storm sewer and water main improvements/Sutter Woods Subdivision. Ayes: Rhodes, Talley, Wunder. Nays: Taylor. Motion carried three to one.
- c. The consideration and approval of **Amended Street Improvements Petition**, by Big D Development for the Sutter Woods Subdivision, in the amount of \$3,024,009.58.
1. The consideration and approval of **R-2537** amending and supplementing R-2392, street improvements/Sutter Woods Subdivision in the amount of \$3,024,009.58. Commissioner Rhodes moved, seconded by Commissioner Talley approving R-2537 amending and supplementing R-2392 street improvements/ Sutter Woods Subdivision. Ayes: Rhodes, Talley, Wunder. Nays: Taylor. Motion carried three to one.
- d. The consideration and approval of **Amended Street, Sanitary Sewer and Water Main Improvements Petition**, for the Tackwell Addition, in the amount of \$460,461.84.
1. The consideration and approval of **R-2538** amending and supplementing R-2224, street, sanitary sewer and water main improvements/Tackwell Addition in the amount of \$460,461.84. Commissioner Talley moved, seconded by Commissioner Rhodes to approve R-2538 amending and supplementing R-2224 street, sanitary sewer and water main improvements/Tackwell Addition. Ayes: Rhodes, Talley, Wunder. Nays: Taylor. Motion carried three to one.
- e. The consideration and approval of **Amended Sanitary Sewer, Storm Sewer and Water Main Improvements Petition**, by Big D Development for the Sutter Highlands Subdivision, in the amount of \$3,817,674.38.

1. The consideration and approval of **R-2539** amending and supplementing R-2393, sanitary sewer, storm sewer and water main improvements/Sutter Highlands Subdivision. Commissioner Talley moved, seconded by Commissioner Rhodes to approve R-2539 amending and supplementing R-2393 sanitary sewer, storm sewer and water main improvements/Sutter Highlands Subdivision in the amount of \$3,817,674.38. Ayes: Rhodes, Talley, Wunder. Nays: Taylor. Motion carried three to one.
- f. The consideration and approval of **Amended Street Improvements Petition**, by Big D Development for the Sutter Highlands Subdivision, in the amount of \$3,336,436.94.
  1. The consideration and approval of **R-2540** amending and supplementing R-2394, street improvements/Sutter Highlands Subdivision in the amount of \$3,336,436.94. Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2540 amending and supplementing R-2394 street improvements/Sutter Highlands Subdivision. Ayes: Rhodes, Talley, Wunder. Nays: Taylor. Motion carried three to one.
- g. The consideration and approval of **R-2541** consenting to the assignment and assumption of the February 10, 2005, Development Agreement between the City and GSC Enterprises, Inc., to Grocery Supply Acquisition Corp, a wholly owned subsidiary of Nash Finch Company, the amendment to the Development Agreement to reduce the employment schedule goals for the period 2009 through 2015; and the City's approval of an assignment and assumption of a 2006 Lease by GSC Enterprises, Inc. to Grocery Supply Acquisition Corp. relating to the City's 2006 Taxable Industrial Revenue Bonds (Grocery Supply Company Contract). **(TABLED)**
- h. The consideration and approval of **Updated Personnel Policies and Guidelines Book**. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the updated Personnel Policies and Guidelines Book. Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration and approval of **Statement of Final Costs, Assessment Roll Certification and Notice of Public Hearing; and establishing** February 17, 2009, at 7:00 p.m., as the date for hearing for any and all written and oral objections to assessments for the following:
  1. Tackwell Addition
  2. Sutter Woods Subdivision-Sanitary and storm sewers and water main improvements
  3. Sutter Woods Addition – Street Improvements
  4. Sutter Highlands Subdivision – Sanitary and storm sewers and water main improvements
  5. Sutter Highlands Addition – Street improvements
  6. Village at Freedom Place – Street, sanitary and storm sewers and water improvements
  7. Olivia Farms Subdivision – Water, sanitary and storm sewers improvements
  8. Olivia Farms Subdivision – Street improvements
  9. Junction City Middle School Addition – Street, storm and sanitary sewers and water improvements
  10. Hidden Valley Addition – Street, sanitary sewers and water improvements
  11. Falcon Ridge Addition – Street, storm and sanitary sewers and water improvements
  12. A.C. Development Addition Unit No. 1 – Street, sanitary and storm sewers and water main improvements
  13. Oakwood Village – Street, sanitary and storm sewers and water main improvements

14. Rivendell Addition – Street, sanitary and storm sewers and water main improvements

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Statement of Final Costs, Assessment Roll Certification and Notice of Public Hearing and establishing February 17, 2009 at 7:00 p.m. as the date for hearing for any and all written and oral objections to assessments for the above listed areas. Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- j. The consideration and approval of **Ordinance S-3053** levying special assessments on certain property to pay the costs of internal improvements in the City of Junction City and providing for the collection of such special assessments (Tackwell Addition; Sutter Woods Subdivision; Sutter Highlands; Village at Freedom Place; Olivia Farms Subdivision; Junction City Middle School Addition; Hidden Valley Addition; Falcon Ridge Addition; A.C. Development Addition Unit No. 1; Oakwood Village; and Rivendell Addition) **(First Reading)**. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-3053 levying special assessments on certain property to pay the costs of internal improvements in the City of Junction City and providing for the collection of such special assessments (Tackwell Addition; Sutter Woods Subdivision; Sutter Highlands; Village at Freedom Place; Olivia Farms Subdivision; Junction City Middle School Addition; Hidden Valley Addition; Falcon Ridge Addition; A.C. Development Addition Unit No. 1; Oakwood Village; and Rivendell Addition) (First Reading). Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## GENERAL DISCUSSION

*(The Commission requests that comments be limited to a maximum of five minutes for each person).*

**Bruce Jasinski, 7218 Rockwood Drive, Milford, KS** stated that he had concerns about the Amarillo Bioscience company. Mr. Jasinski read an article to the Commission about the company. He stated that his concern is that the City and the EDC chose to partner with a company that has not been profitable in 20 years. Mr. Jasinski inquired how much Ventria Bioscience has contributed to the community. Mr. Jasinski wanted to know when the CFO for the City was going to be hired as recommended by the Mayor's Task Force and promised by the Mayor during the budget process.

Mayor Wunder stated that the Economic Development Director is hired by the EDC Board. The City has a 30-day due diligence process to investigate any company that the City is considering doing business with. The EDC is currently using that process with Amarillo Bioscience. Mayor Wunder asked Mr. Jasinski to email his questions and concerns to him and he would see that they were addressed. Commissioner Talley stated that he takes great offense to Mr. Jasinski's comments that he feels the City is "cooking the books".

**Chris Jasinski, 7218 Rockwood Drive, Milford, KS** stated that the due diligence process was not mentioned by Jeffrey Black and would have been helpful to the citizens to know about it. Ms. Jasinski stated that Amarillo Bioscience's financial statements and reports are on the Internet. She stated that Mr. Black should have investigated the company before bringing it to the Commission. She stated that she is opposed to Amarillo Bioscience coming to Junction City.

## COMMISSIONER COMMENTS

**Commissioner Taylor** stated that he agrees with the Jasinskis. He stated that he is disappointed in the EDC Board and their recommendation with Amarillo Bioscience. He feels the company should thoroughly investigated.

**Commissioner Talley** stated that he does not want to see any companies annexed into the City that requires infrastructure and wants to hold fast to the 100% assessed to the developer. Commissioner Taylor stated that he agrees with Commissioner Talley.

**Commissioner Rhodes** stated that the EDC meeting that was held concerning Amarillo Bioscience was optional to attend either in person or via phone. The media had been notified of the meeting and the meeting was open to the public. The EDC board members looked at the company extensively before voting on the action. Commissioner Taylor thanked Commissioner Rhodes for the clarification on the EDC. Commissioner Rhodes asked about the Spring Valley Road closures. City Engineer, Christina Cook, stated that her staff notified the media, the radio, the school district and the residents that were affected. The notice was also put on Channel 3. A notification such as this one is done as soon as possible and the staff attempts to give at least a week's notice when possible.

**Mayor Wunder** stated that Jeffrey Black can explain more about Amarillo Bioscience. Mr. Black presented the information to the EDC Board and the City Attorney has reviewed the information. The EDC Board understands the 30-day due diligence process. The 30 days began January 14, 2009. Commissioner Rhodes stated that the agreement will be researched by the Kansas Department of Commerce and the Kansas Bioscience Authority.

#### STAFF COMMENTS


**City Manager, Rod Barnes**, stated that the Commission now has a policy in place to address Commissioner Talley's concern about the developer being assessed 100%. Commissioner Talley stated that he appreciated Mr. Barnes reviewing the policy.

#### ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Taylor to adjourn at 8:10 p.m. Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 3<sup>rd</sup> DAY OF FEBRUARY 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JANUARY 20, 2009.

  
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Tricia Gowen, City Clerk

  
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Mick Wunder, Mayor